

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others similarly
situated,

No. 15-cv-00612-RSL

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a Kentucky corporation, and BIG FISH GAMES, INC., a Washington corporation.

**UNOPPOSED MOTION AND ORDER
FOR APPROVAL OF
SUPPLEMENTAL DISTRIBUTION
PLAN**

Defendants.

MANASA THIMMEGOWDA, individually and
on behalf of all others similarly situated,

No. 19-cv-00199-RSL

Plaintiffs,

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BIG FISH GAMES, INC., a Washington corporation; ARISTOCRAT TECHNOLOGIES INC., a Nevada corporation; ARISTOCRAT LEISURE LIMITED, an Australian corporation; and CHURCHILL DOWNS INCORPORATED, a Kentucky corporation,

**UNOPPOSED MOTION AND ORDER
FOR APPROVAL OF
SUPPLEMENTAL DISTRIBUTION
PLAN**

Defendants

1 On July 7, 2021, this Court approved the distribution plan submitted by the settlement
2 administrators in this and two other social casino class action settlements. *See* Dkt. #296.¹ The
3 Settlement Administrator in this case has since effected that Distribution Plan and has made both
4 initial and supplemental distributions to all claimants. The Settlement Administrator also
5 conducted outreach to claimants in order to encourage them to cash the checks that were issued,
6 pursuant to Section 2.1 of the Settlement Agreement. *See* Dkt. #218-1 § 2.1.

7 Despite diligent efforts, some checks remain uncashed, and there is over \$700,000
8 remaining in the Settlement Fund as of the date of this filing (the “Reserve Fund”). Class
9 Counsel therefore submits for the Court’s approval the following, unopposed Supplemental
10 Distribution Plan:

1. The Settlement Administrator will promptly make an additional distribution to claimants from the Reserve Fund.
2. Specifically, the Settlement Administrator will allocate the Reserve Fund—less the administrative expenses of the additional distribution—pro rata to all claimants who previously received initial and supplemental payments. However, to the extent an additional distribution to a claimant would equal less than five dollars (\$5), that additional distribution shall not be paid, and instead the amount shall be distributed pro rata to claimants whose additional distribution is at least five dollars (\$5).
3. To the extent that any of these additional payments are not cashed/processed by claimants after ninety (90) calendar days, such funds shall be paid to the Rose Foundation of Oakland—the *cy pres* recipient named in § 2.1(i) of the Settlement Agreement.

* * *

23 This proposed Supplemental Distribution Plan mirrors the supplemental distribution plan
24 approved by this Court in the related *Wilson v. Playtika* matter (Case No. 18-cv-05277, Dkt.
25 #171) and is fair, equitable, and faithfully effectuates the Settlement Agreement in this case. See

¹ For ease of reference, all citations are to the *Kater* docket.

1 Dkt. #218-1 § 2.1. The Plan also comports with the initial Distribution Plan approved by the
2 Court. *See* Dkt. #296 at 1-2. Consequently, Class Counsel requests—and no Party opposes—that
3 the Court grant this motion and enter the attached Proposed Order.²

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5 Dated: February 20, 2024

Respectfully submitted,

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7 **CLASS COUNSEL**

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27 ² Class Counsel anticipates filing a similar motion for supplemental distribution in the related *Benson v. DoubleDown* matter (Case No. 18-cv-525) in the coming weeks.

Plaintiff's Counsel

*Admitted *pro hac vice*

ORDER

Class Counsel's unopposed motion is GRANTED. The Supplemental Distribution Plan is approved.

IT IS SO ORDERED.

Dated this 21st day of February, 2024.

Robert S. Lasnik
ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE